

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DIAGNOSTIC DEVICES, INC.,

Plaintiff,

v.

PHARMA SUPPLY, INC., NATIONAL HOME
RESPIRATORY SERVICE, INC. d/b/a DIABETIC
SUPPORT PROGRAM, FRANK SUESS, DIABETIC
SUPPLY OF SUNCOAST, INC. and DAN DENNIS,

Defendants,

DIAGNOSTIC DEVICES, INC.,

Plaintiff,

v.

TAIDOC TECHNOLOGY CORPORATION,

Defendant.

PHARMA SUPPLY, INC.; NATIONAL
HOME RESPIRATORY SERVICE, INC.,

Intervenor

CIVIL ACTION NO. 3:08CV149-RJC-DCK

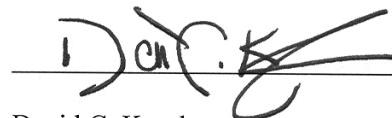
CIVIL ACTION NO. 3:08CV559-RJC-DCK

THIS MATTER IS BEFORE THE COURT *sua sponte* for scheduling purposes. The Court is aware that counsel for some or all of the parties in these two cases have been in discussions concerning whether the cases should be consolidated. To date, however, no motion has been made by any party on this subject. This issue needs to be resolved; therefore, barring a development that would make such a hearing unnecessary, the Court on its own motion will set this matter for a hearing to determine whether consolidation of these actions is appropriate.

IT IS THEREFORE ORDERED that these cases shall be set for a hearing on Tuesday, May 19, 2009 before the undersigned on the Court's *sua sponte* motion to consider consolidation. The Clerk shall issue a separate notice setting forth the time and location of the hearing.

SO ORDERED.

Signed: April 29, 2009



David C. Keesler
United States Magistrate Judge
